

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

**LARRY L. ELLISOR, on behalf
of himself and all similarly situated
persons,**

Plaintiffs,

v.

PTS OF AMERICA, LLC,

Defendant.

Case No. 2:17-cv-144

**JOINT MOTION TO AMEND UNIFORM SCHEDULING ORDER AND
FOR FOLLOW UP SCHEDULING CONFERENCE**

Defendant PTS of America, LLC, and Plaintiff Larry L. Ellisor (collectively “the Parties”), by and through undersigned counsel and pursuant to Rule 16 of the Federal Rules of Civil Procedure, respectfully move this Court to amend its Uniform Scheduling Order (Doc. No. 28) to continue the deadlines for the settlement conference, dispositive motions, and *Daubert* motions until after the Court has ruled on the motion for class certification and to enter an order setting a follow-up scheduling conference to occur after the ruling on the motion for class certification in order work out the new deadlines to replace the continued deadlines. As grounds for this motion, the Parties state as follows:

1. On June 16, 2017, the Court entered the Uniform Scheduling Order, setting forth the deadlines for this case, (Doc. No. 28).
2. The Uniform Scheduling Order designates August 13, 2018, as the deadline for the Parties’ face-to-face settlement conference. (Doc. No. 28, § 3).
3. The Uniform Scheduling Order designates September 10, 2018, as the deadline for dispositive motions and *Daubert* motions. (Doc. No. 28, § 2).

4. The Uniform Scheduling Order designates September 13, 2018, as the deadline for motions for class certification. (Doc. No. 28, § 5).

5. The Parties have conferred and believe that the Court's ruling as to class certification will necessarily impact any dispositive motions or *Daubert* motions that may be filed. Moreover, the result of any motion to certify will be important for any serious settlement discussions. Therefore, the Parties jointly assert that amending the scheduling order would promote efficiency and economy in this action, representing good cause for amending the Uniform Scheduling Order.

6. The remaining deadlines contained in the Uniform Scheduling Order would be unaffected by this action.

WHEREFORE, the Parties respectfully and jointly request this Honorable Court to enter an order amending the Uniform Scheduling Order to continue the deadlines within Sections 2 and 3 of the Uniform Scheduling Order until after entry of an order fully resolving any Motion for Class Certification and to enter an order setting a follow-up scheduling conference to occur after the ruling on the motion for class certification in order to work out the new deadlines to replace the continued deadlines.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on July 12, 2018, I filed the forgoing document via the Court's CM/ECF system. All counsel of record listed below will receive notification and be served with a copy of this filing by the Court's CM/ECF system.

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